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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,680	02/25/2002	Donald Verna	PMP-204-A	3041

7590

06/02/2003

Andrew R. Basile
Young & Basile, P.C.
Suite 624
3001 West Big Beaver Road
Troy, MI 48084

EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT PAPER NUMBER

3618

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/082,680

Applicant(s)
Verna

Examiner
Vanaman

Art Unit
3618



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The ^{formal} drawing(s) filed on April 27, 2002 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

Art Unit: 3618

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c). In this case, the inventor's citizenship has been altered but the alteration has not been initialed or dated.

Claim Rejections - 35 USC § 112

2. Claims 8, 9, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 8, lines 2-3, the recitation of "one of the apertures" lacks a clear antecedent basis, as does "the apertures" in claim 9, line 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz (DE 38 15 990). Lutz teaches a dolly made from four corner members (2) interconnected by a tubular frame (3/4), the corner members including upper (6) and lower (5) members fastened to one another with threaded fasteners (col. 2, lines 31-36) and provided with recesses so that the fastener heads are below the top surface of the upper member. Each upper and lower member has

Art Unit: 3618

an additional inner hollow portion, the upper member may be provided with a pair of walls (8) for accommodating a rectangular (or other-shaped) member, the upper member also being optionally provided with a rectangular groove (10) having ramped portions and a lowermost portion (at the center thereof), the outer lower surface of the lower member including a mounting location for a top mounting portion of a caster (figures 1, 2, 4, 5; with figures 4 and 5 illustrating an edge of the caster mounting plate), upper and lower members having access apertures into which the tubular members are inserted, including through channels (e.g., those channels with open ends show at the right side of the embodiment illustrated in figure 1), and channels which limit the travel of the tubular members (e.g., the front-facing channel of the rear corner members shown in figure 1, and the rear facing channel of the front corner members shown in figure 1). The reference to Lutz fails to specifically teach the corner members as being made from a plastic material. Plastics are very old and well known in the manufacturing arts for their light weight and resistance to corrosion, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the corner members taught by Lutz from plastic materials for the purpose of facilitating a lightweight cart which does not rust or corrode easily.

5. Claims 8, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz in view of Liu (US 5,695,205). The reference of Lutz is discussed above and fails to teach the caster wheel as comprising a yoke, and a center post, wherein the center post is disposed in an aperture in the lower face of the lower corner member, the aperture extending into an internal dowel. Liu teaches a plastic wheeled carrier including casters (40) having a yoke portion and an upstanding post (not separately referenced), wherein the caster post is inserted into an aperture (in element 30, see figure 5 proximate numerals 301, 302), the aperture being provided with an internal dowel. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a caster with an upstanding post, and a receiving aperture with internal dowel as taught by Liu to the corner members taught by Lutz for the purpose of allowing lower cost

Art Unit: 3618

casters to be easily and quickly inserted and removed on the dolly of Lutz, facilitating construction with commonly available elements, and facilitating a faster assembly.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz in view of Liu as applied to claim 9, above, and further in view of Roby et al. (US 4,077,644).

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz in view of Roby et al.

As regards claim 10, the reference of Lutz as modified by Liu fails to specifically teach the fastener apertures as including internal dowel elements. As regards claims 12 and 13 the reference of Lutz fails to specifically teach the provision of reinforcing dowels which receive the fasteners.

Roby et al. teach a plastic cart construction wherein portions which are generally otherwise hollow are fastened together by a threaded fastener or bolt (36) which extends through an aperture in a dowel portion (see 35, 34 in figure 5, and 30 in figure 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide reinforcing dowels as taught by Roby and hollow out a further interior portion of the corner members of the dolly of Lutz (claims 12, 13) or of the corner members of the dolly of Lutz as modified by Liu (claim 10), for the purpose of providing a support which adequately accommodates the threaded fastener (e.g., Roby et al.'s element 36), while allowing the remainder of the structure to be substantially hollow, thus retaining strength while reducing weight, resulting in an advantageously lighter cart.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakamura (US 5,257,794), Yasutomi (US 5,484,150), Oefelein et al. (US 6,036,219), Balolia (US 6,095,533), Yamada (JP 40-4-81359), and Asai (JP 40-6-206545) teach cart structures of pertinence.

Art Unit: 3618

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop ____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry;
informal or draft communications may be faxed to the same number but should be
clearly labeled "UNOFFICIAL" or "DRAFT")

The Office has also established electronic fax servers for Technology Center 3600 as follows:

703-872-9326 (Official communications)
703-872-9327 (Official After Final communications)
703-872-9325 (Customer Service)

F. VANAMAN
Primary Examiner
Art Unit 3618

F. Vanaman
May 29, 2003



5/29/03